"New-York, ready for al. praced to England." This ore had been tested in England, and the iron found to be of such a quality as to pay for transporting the ore to England. This is a very significant fact, and one worthy of the attention of iron-dealers who send abroad after everything.

THE TURF.

TROTTING ON THE ROAD - Tuesday, Sept. 8, 1837 Match \$500, two mile to 250 pound wagons.

7.— Match \$500, mile heats, to wagons: loberts, ch. p. Sam. 1 2 1 1 ch. g. Nimrod. 2 1 2 2 Time-2.55, 3-01, 2:504, 2:504. Same day-Match \$200, mile heats, to wagons. Same day -- Match \$200, mile heats, to wagons, Wm, McRoberts, a. g. Sam. Mr. Maillan, ch. g. Minrod.

Time-2:54, 2:5:

Union Course, L. I.—Trouting—Saturday, Sept. 1807.—Match \$2,000, mile heats, best three in five, o wagons, and drivers weighing 300 pounds.

H. Woodruff, ch. g. Sam Webster 1:1

W. Peshody a. m. fulls Deam. 2 2 2

Time-2:55, 2:65, 2:65.

FIRES.

TIRE AT TORT WASHINGTON-A PUBLIC SCHOOL-HOUSE DESTROYED.

Yesterday morning, about 5 o'clock, a building at Fort Washington, occupied as a public school, was destroyed by fire, all efforts of the firemen to extinguish the flames proving unavailing. The building was an old one, and the presumption is that it was set on fire by some malicious person or persons. Applications have frequently been made by the residents of the Twelfth Ward, to have the old structure removed and a new one erected on the site; but the subject has not as yet met with response from the Board of Education The suspicion of areon rests upon the people at large, as it is supposed that some of those interested have taken this method to get rid of the dilapidated structure. As the building stood isolated no damage was done to the property in the neighborhood. Some maps and apparatus belonging to the school, and a quantity of school books, were destroyed, but their loss is comparatively trifling.

FIRE IN PEARL STREET.

About 41 o'clock yesterday morning, a fire broke out in an old frame stable, in the rear of No. 14 Pearl street, owned by Cornelious Mahoney, causing about \$300 damage to the building. There were five horse in the stable at the time; but, from the rapidity with which the flames spread it was found impossible to rescue them all. Two of the animals, valued at \$500, were burned to death.

TIRE IN THE BOWERY.

Vesterday afternoon, at 3 o'clock, a fire was discov ered on the roof of the building, No. 208 Bowery, occupied on the upper floors by Mr. Bacon as daguerreetype rooms. The flames were speedily subdued. Damage to the building about \$30: insured for \$1 000 in the Bowery Insurance Company. The stock and fixtures are insured for \$2,005 in the Brooklyn Insurance Company: damage about \$100. The fire was caused by a spark from the ckinney.

CITY ITEMS.

Mr. Vieuxtemps and Mr. Tualberg will give a Concert in conjunction, at Niblo's Saloon, on Tuesday, the 15th inst.

The opera of "La Sonnambula" will be repeated to sight at the Academy. M'lle Vestvali, who has made such artistic improvements since her first engagement will appear at the Academy on Friday.

" Mr. Andrew Carrigan, the recently-appointed to seiver for the Mechanics' Banking Association, quali fied yesterday, Messrs. Edwin D. Morgan and Terence Donnelly becoming his sureties.

REPUBLICAN CONVENTION-WEST MESTER COUNTY -The Republicans of the First Assembly District Westchester County, held their Convention yesterday at Cooper's Hotel, Fordham. The Convention was arganized by the appointment of the Hon. Ed-ward F. Shonnard of Yonkers, President; Edward W. Lyon of Morrisania and David Milliken of West and Farms, Vice-Presidents; M. F. Rowe of Yorkers Scorge Archer of East Chester, Secretaries.

On motion, the delegates from East Chester, West dester, West Farms, Morrisania and Yonkers (the everal towns composing the District) presented the medentials, which were unanimously received.

Robert P. Getty of Yonkers and W. T. B. Milliken o Morrisania were then, by acclamation, unanimously sected delegates to the State Convention; Harvey fidd of Westchester and Gilbert Dayton of Morrisania tere elected as alternate Delegates.

Gifford of Morrisania were then unanimously elected

Delegates to the Judicial Convention. J. H. Steadwell of Yonkers, Silas D. Gifford of Morisania and Harvey Kidd of Westchester were ap

pointed District Committee for the ensuing year. The utmost degree of harmony prevailed during the estire proceedings.

NEW Use of LEMONADE. - A Biddy with an osten tatious turn of mind was promenading Park Row on Monday afternoon, very carelessly sporting a rod or so of crinoline. A Biddy with an industrious turn o mind was boiling corn in the same street, for the ac commodation of its itinerant hunger. The wandering eyes of the estentations Biddy found young me along the street, and kindled; her wandering skirts found other sparks in the fire beneath the boiling corn and kindled also. Then there was a flare-up. Sev eral people attempted to put her out, but the flame eluded their grasp, and benevolent hands were scorched in vain. In spite of the lightness of the material, it was assuming a very serious aspect, when i suddenly occurred to some one that the industrious Biddy sold penny lemonade as well as corn, and the suggestive paifful restored the quiet of the street. The estentations Biddy suffered no injury, except that the hair was singed from her hands.

THE TOMPKINS MARKET ARMORY .-- The Committee on Repairs and Supplies were to have met at a e'clock yesterday afternoon, to hear the Seventh and Twelfih Regiments on the division between them of the second and third stories of the new Tennkins Market for the purpose of an armory, drill rooms, &c., but none of the Committee arrived until 3 o'clock. Ald. Valentine then made his appearance, but could not proceed, Ald. McConkey, the Chairman, being absent. The hearing was, there fore, indefinitely adjourned. There were large delega tions present from the two regiments, who were much

disappointed.

Yesterday Marshal Rynders paid a visit to John Smith, who was convicted of the murder of Charles L. Groves, cook of the brig General Pierce. Th respite granted by the President expires on Friday of this week, and, unless Smith is further respited or h centence commuted, he will be hung at Gibbett's Island on Friday. Upon arriving in the prisoner's cal in the Tombs, the Marshal found him in good health and spirits. He asked the Marshal if there was any chance that his sentence would be commuted, to which the latter replied that he thought and hoped there was This encouragement had considerable effect on Smith who thanked the Marshal in affectionate terms for his

FATAL ACCIDENT .-- Coroner Connery yesterday held an inquest at the New-York Hospital on the body of Thomas Kelly, who died from the effects of injuries. The evidence showed that on the 19th ult., the deceased was sitting upon his cart, corner of First avenue and Eleventh street, when a passing car struck the cart and kneeked him to the ground with mucviolence. The horse started on the cut, passed over and crushed one of his legs. Kelly was removed to the Hospital, where the injured limb was amputated some ten days ago. Since that time Kelly failed gradually up to the time of his death. The Jury readered

a vortice of death by compound fracture of the leeaccidentally received, August 19, 1857, by failing from his cart. The deceased was 50 years of age, and a native of Ireland. He resided at No. 193 Thirteenth street, where he has left a family.

THE MAGSETIC TELEGRAPH. - The Telegraph Man recently noticed in our columns shows the connection and the searest point to the desired location to be telegraphed to. There are over 1,080 stations, divided as

follows: 173 Newtonodand
130 Aisbams
100 Leubiana
20 Maryland
20 Iblaware New York ... Petinghania. Canada West. Canada East .. Rhode feland..... Si Missouri.

Si South Carolina.

Si South Carolina.

Si Prince Edward Island.

District of Columbia.

Middle & Wostern Free { 1,082 Virginia.... New Hampshire. 24 States 224 States 224 New England 222 British Provinces 222 Stare States 222 Stare S Mississippi..... Connecticut..... 18 Total

There are about 80 companies, including independen lines. The most Eastern point is St. Johns, N. F.; the most Western, Jefferson, Mo.; the most Southern Belize, La.: the most Northern, River du Loup From Belize to River du Loup is over 1,600 miles in an air line. The telegraph wires were formerly built in New-England without reference to railroads. There are a great many railroads in operation that no telegraph wires run over.

TARGET COMPANY FRATERNIZING WITH GARRO

TERS.-Last evening, about 6 o'clock, Mr. John J. Benson of No. 310 Canal street informed Sergeant Lush of the Sixth Ward that he had been garroted by a gang of rowdies, and a gold watch worth \$80 taker from him. At his request, a party of ten policemen went with him in search of the gang, and on coming up with them in the Bowery, between Rivington and Stanton streets, the fellow who stole the watch was pointed out by Mr. Ben son. Officer Wilson arrested him, when the fel low drew a long knife and attempted to stab him. At this moment a Target Company marched up, and several of them charged the police with fixed bayonets, and two of their officers with swords, demanding the release of the prisoner: bloodshed would have followed (as the Policemen would not release him), but that the prisoner made his escape-Policeman Wilson having been knocked down by a violent blow on the head. The Target Company then got into rank and marched away. One of the garroters, when the Police approached them, drew a pistol, but in cocking it it went off, shooting himself in the hand.

WHOLESALE ARREST OF COUNTERFEITERS -We published in yesterday's TRIBUNE an account of the arrest of eleven persons charged with passing counterfeit \$3 bills on the Hudson County Bank of Jersey City, upon various shopkeepers about the city. The fellowing parties were yesterday conveyed before Justice Davison at the Jefferson Market Police Court and locked up on the complaints of the persons upon whom they attempted to pass the money.

Mr. John W. Showler of No. 643 Broadway testified that on the evening of the 7th September James Smith came to his place and calling for twenty-five cents worth of oysters, tendered in payment therefor one of the \$3 counterfeit bills, receiving \$2 75 in good

money as change. Officers Bull and Miller, of the Fifteenth Precinct, testified that on the evening in question they arrested Smith, and took him to the Station-House, and on searching him found 27 of the counterfeit bills in his possession. Justice Davison committed Smith to prison in default of \$2,000 bail. The prisoner is a barkeeper, 27 years of age, and was born in New-Jersey. Relative to the charge, he said he did not know the bills were bad until after he had offered them. "I was drinking in the saloon corner of Broad-way and Leonard street, and had drank several times: them. and when I came out a man followed and asked me i I did not want to make something, and told me they were broken bank bills, and I gave him \$5 for them and afterward found out they were counterfeit."

Officer Groat the same evening arrested Thoma Harrison, charged with passing one of the counterfeit \$3 bills on John W. Showler, in payment for eighteen cents worth of liquors and oysters. Mr. Showler re turned the accused good money in change. Harrison was committed by Justice Davison for examination.

The same evening Charles Henry Garry went into the store of Henry Sewhinje, No. 100 Amity street, and endeavored to get one of the bills changed. Mr. Schwirje, knowing the bill to be bad, detained Garry until the arrival of Officer Miller, who took him in The Hon. E. F. Shonnard of Yonkers and Silas D. | custody. Justice Davison committed Garry for examination

William Miller went into the store of Samuel Marsh No. 679 Broadway, and offered one of the bills in pay ment for a bottle of train oil. The proprietor of the store, having been previously notified that said bills were in circulation, detained Miller until the arrival of Officer Tinadale who arrested the fellow. The accused was also committed for examination.

Officers Robb, Taylor and Barker arrested three men, named Hugh McCabe, James Williams and Charles Glenn, for attempting to pass one of the bills upon Henry Harris of No. 100 Amity street and others, in payment for liquor and other articles. The accused were taken before Justice Davison, who committed them for examination.

The following persons were brought forward in the Essex Market Court, Justice Brennan presiding:

Thomas Farley attempted to pass one of these spu rious bills upon Alexander Hagart, in the Eleventh

Mary Downing, and Peter Downing, her son, a lad attempted to pass one of them upon Charles Huder, at No. 2 Bayard street.

Henry Sharp was arrested by Officer Williams of the Fourteenth Precinct, on Monday night, for passing the same counterfeit in that ward. His name was no mentioned yesterday. His is the twelfth arcest for this

They were all committed for examination by Justice

The following sales of real estate were made yester eny at the Merchants' Exchange by A. J. Bleecker, Son & Co:

and 2 lots south west corner of North Seventh

THE MURBER OF FRANCIS SALTERS-TWO PER-ONS ARRESTED ON SUSPICION OF BEING THE MUR-DERERS .- During the latter part of last May, as will be remembered, Francis Salters, a colored man, wa brutally murdered in Thomas street, near West Broad way, by being shot in the right eye with a pistol in the bands of one of four persons. The occurrence happened just about daylight. The four unknown persons had left a carriage, in which they had been riding, standing in Thomas street, and proceeded to the dance-house of Lize Fisher in West Broadway. Here they attempted to force an entrance to the house, but being repulsed, returned to their carriage, jumped in. when, just as the vehicle started off, one of the party lischarged a pistol at Salters, who was standing upon a stoop. The unfortunate man, after suffering a few weeks from the wounds he had received, expired in the New-York Hospital. The inquisition held by Coroner Hills upon the body of deceased failed to show who the murderers were, and only gave a slight due to them.

From some circumstances that recently transpired l'atrick Duffy, brother in law to Alderman Wilson of the First Ward, and one Henry Drake, said to be an emigrant runner and baggage amasher, were suspect ed of being two of the four persons concerned in the murder, and were therefore arrested. Each gave hall in the sum of \$1,000 for his appearance to answer the charge. Since the arrest of these parties Drak is said to have become starmed, and fled to California or other foreign parts, leaving his bordemen in the urok. It is appealed tast acher developments will some

be made in this matter which will point positively to the individual who fired the shot which resulted is th death of Salters. It is suppored that one or more o Mayor Weed's Police knew at the time, and still know who were the perpetrators of this unprovoked and cold-blooded murder, but kept quiet.

CASE OF BURNING-GREAT PRESENCE OF MIND. Mr. A bort G. Rickman of No. 360 Broadway, residing at No. 66 East Thirty-eighth street, at 8 o'clock last night, was suddenly startled by cries of distress com ing from the story above where he was sleeping, and on opening the door, saw one of the servant girls de scending the stairs in a perfect sheet of flame. Mr. R., with great presence of mind, first made the effort to throw her on the floor, in hopes to envelop her with some garment; but, failing in this-the girl being frantic with agony-he threw open the bath-room door, and, finding the tub full of water, by great effort suc ceeded in plunging her into it. Help having arrived, he proceeded immediately to the room she had left, and by great effort succeeded in stopping the further progress of the fire in the room. The girl lies in a condition of extreme agony from burns of the body neck, arms, &c., but she may survive. Mr. R. sufferings from burned hands were intense, but he remarked to a friend, after the first paroxysms were over, that he did not mind it, as he had succeeded in rescuing a suffering being from a horrible death.

ANOTHER CASE OF TICKET SWINDLING-THE PAR-IN ARRESTED AND DISCHARGED BY JUSTICE BREN-NAN-HIS REARREST .- Last week an Englishman, named William Church, who, with his family, was on his way to England, was swindled out of considerable money, as is alleged, by Patrick Duffy, the proprietor of an emigrant ticket office in West street. As was reported in THE TRIBUSE, Duffy was arrested and taken to the Second Precinct Station-House, whence he was discharged by Justice Brennan. Subsequently Mr. Church, acting under the advice of some friends appeared before Recorder Smith and made the follow ing affidavit.

appeared before Recorder Smith and made the following affidavit.

City and County of New-York: William Church, being duly even, doth depose and say, that he arrived in the City of New-York on the Ed day of September Inst., from the City of New-York on the Ed day of September Inst., from the City of New-York for the purpose of taking passage to England; that while on the boat in which deponent came to this city from Albany, deponent was accorded by a man named or called "Portunuese Joe," who inquired whether deponent was going to the "Old Country," and upon deponent replying in the affirmative, the said Joe, whom deponent replying in the affirmative, the said Joe, whom deponent as inne learned is an emigrant runner, said: "Well, come along "with me; there is a vessel going to sail to day at 1 clock "a. m., and I will take you to an office where you can procure "a ticket cheap for the first cabin, but in a good vessel;" that deponent, being antious to reach his destination as soon as possible, accompanied the said Joe to the office of No. 199 West street, in the City of New-York, which said office is kept, as deponent is informed and believes, by Alderman William Wilson, and superintended by Patrick Duffy; that deponent on entering said office, was introduced to said Daffy, who, upon being informed that deponent intended to procure tickets for himself and family, told deponent that he could have a first-tabin passage for himself and family to England in the packet-ship called the West-Point for the sum of \$60, which was the usual and regular charge; that the vessel was about to sail, and, if he wanted his tickets, he had better hurry up, because there was hardly time to reach the vessel; that the deponent for him as a storesaid, another licket; that the said other ticket received by thin as a foresaid, to a cabin passage, and the said other ticket received by thin as a foresaid, to a cabin passage, and was about to go to the vessel; that he was entitled, as aforesaid, to a cabin passage, and was intended to pass City and County of New-York : William Church

Upon this affidavit, the Recorder, yesterday morn ing, issued his warrant for the arrest of Duffy, and placed it in the hands of Officer Lowery. Soon after the efficer arrested Duffy and took him before the Recorder, who offered him the alternative of disgorging his plunder or finding sureties in the sum of \$1,500 to answer the charge of swindling. Duffy accepted the former proposition, returned the money to his vic tim and was released, his brother Peter becoming surety. Duffy and his brother now left the office be had not been gone long before it was discovered that among the money returned to Mr. Church was a counterfeit \$10 on the People's Bank of New-York. Mr. Church pocketed the loss in conscupence of having engaged his passage to England, and having no time to prosecute the swindle any further.

A POLICEMAN WHO NEEDS LOOKING AFTER .- WE commend the attention of Inspector Speight to the following transaction: About 9 o'clock on Tuesday morning a police efficer hailed a Third avenue car near Twenty-ninth street, already over-full of respectable men and women, and crowded in a dirty woman, with one child in her arms, and a little girl of some five years in company, without any money to pay her fare and without sense enough to know where she wanted to co, because she was so drunk she could neither talk nor walk correctly. She was a nuisance and an annoy ance to the passengers, and wholly unfit to take care of her children or herself. She at first said she wanted to go to Robinson street, but insisted upon getting out at Eighth street, and the last we saw of her she was staggeting toward the gutter. It is not improbable that she tymbled in from inability to get over the curb-stone. This woman said that she lodged in the Station-House, and, if so, had been brought from there and put on the car to get rid of her. At any rate, she was in the hands of an officer drunk, and it was not his duty to dispose of her in the manner he did. Let him be looked after: he needs it as much as the denaken woman.

DEATH AND DESERTION-CRUST, ANANDOSMENT, About 11 | o'clock on Monday night, Officer Haistead, of the Eighth Precinct, found the dead body of a female child wrapped up in a piece of muslie, lying on the sidewalk in front of the premises No. 42 Laurens street and conveyed the remains to the Station House. The offices afterward made diligent inquiry of the impate of several residences in Caurena street near where the child was found, but could obtain no information what ever respecting the parentage or cause of death of the child. No marks of violence were apparent on the body. Coroner Connery held an inquest, when the Jury, on hearing the evidence, rendered the following

That the aforesaid female chibi came to har death by being placed in a piece of muslin and laid on the sidewalk opposite the house No. 42 Laurens street, and abandoned by some inhuman mother."

BURGLARY -- ARREST OF THE THIRY .- Officer Green, of the 16th Precinct, yesterday morning as rested one Charles Miller, charged with burglariously entering the room of Nathan Keef, in the tenemen house, No. 229 West Nineteenth-st., and attempting to steal therefrom household and other furniture. Keef was inside and hearing an unusual noise at the door of an outer room, proceeded to examine whence the noise came, and found Miller in the act of entering the room a skeleton key sticking in the door. The fellow on being discovered randown stairs, followed by Keef, and was arrested in the lower hall. The accused is a printer by trade, 29 years of age and was bern is Georgia. Justice Davison, before whom he was taken, committed him to prison, in default of \$1990 ball.

FOUND IN THE WATER .- Coroner Hills held as in quest at Pier No. 3, North River, on the body of an unknown man about 25 years of age, who was found floating in the dock at that piace. On Monday the decessed was seen sitting or lounging on the stringpeace, from which it is supposed to accuracily fell into the trac and was drowned. The deceased had offer been seen about the piers of that locality, but no on supeared to know his name. He was of small size with light hair, and whiskers under the chin. His dress consisted of a ragged woolen frock coat, old eatin vest, muslin shirt, cotton stockings, overalls, an old galler on one foot and a dilapidated shoe on the other. The Jury rendered a verdict of death by accidental drowning.

PURDY'S NATIONAL THEATER. -To-night Mr I'REDY'S AATIONAL THEATER.—To-might Mr.
J. Foster is to appear in his great character of Rus Roy as
is favorise theater. Mr Fox's he Fast maine of Tax Macto
Anna, and the musical Drams of Tax Foxty Trusyes, will
as be added to the bill. Studies and Dateing in abundance
asing it the most fixely and amusing entertainment of-red it

Now, 355 A SET Broadway, opposite Metropolitan Hotel.— Photographs, Daggerreforvers, Amerotypes, Hallo-types, Visiters to the City are respectfull privited to examine the productions of this magnificent establishment. Hours from Ram to 10 o.m.

No, indeed. The proper name is "Justitia Albanson" of the "Books Bundall, Bany," now attracting all the world, a well as " the rest of mankind" to see it, at Banyum's Museum (Advertisement.)

TO SMOKERS AND CHEWERS.—For purifying the month after smeking or chewing. Forraine's Creak or Wild Flowers is one of the most effectual dentifrices in use. It writtens the teeth, strengthens the guins, and imparts to the breath or agreeable fragrance. F. G. Forraine & A.O. 300 Broadway and No. 6 Aster House, New-York. Sold by all druggists.

GAS, GAS.—Some new and beautiful styles of Gas Parifier that will save 40 per cent to the consumer. Call at our great manufacturing depot, No. 376 Broadway.

ARCRER, WARNER & Co.

EDWARD H. DIXON, M. D., Editor of the Scalpel, and Operating and Committing Surgeon, No. 42 5th aw Office hours from \$ 10 9, 1 to 3, and 7 to 9 swenings.

[Advertisement.] DR. R. GOODALE for many years has devoted

PR. R. GOODALE for Hamy years has devoted himself to the investigation of the causes, location, symptoms and effects of Caturch, a disease which has received but little attention from medical men, and which has been pronounced by high authority incurable, attended the application of Dr. Goodale's remedies impels him to adopt the most wides great mediums to advertise the public of the entire curability of the disease, and warrants him in saying that in all its places and forms it is within the reach of remedial agents. Office, No. 285 Broadway, N. Y. Hours, 9 a. m. till 4 p. m. [Advertisement.] EXAMINE YOUR SCALES

"An incorrect Scale will gnew the very vitals out of an apparently prosperous business."

Test your Scales thoroughly, and if found incorrect, throw them made and buy one of Farmanks' celebrated Scales, the universally segnow-edged standard for cowect weight.

Warehouse, No. 189 Broadway, New York.

GEO. SAUNDERS'S METALLIC TABLET STROP the oldest and most approved article in use, having been before the public the last 35 years. The genuine can be obtained of J. & S. Sauxdens, Store only at No. 7 Astor House.

BROOKLYN ITEMS.

IMPORTANT LEGAL DECISION .- At the June term of the Court of Sessions John Bush was convicted of a burglary in the second degree for having, as charged in the indictment, forcibly entered a dwelling-house in Myrtle avenue, in the day time, and stolen therefrom a pair of pantaloons valued at \$1 50. The apartment the prisoner entered was occupied by John Wood, and there were several apartments in the house occupied by different families. The outer or hall door wacommon to all the occupants. The prisoner was convicted of burglary in the second degree, and the case was carried up on a certiorari by his counsel, James Troy, to the General Term at Newburgh, when the ruling of the lower Court was set aside and a new trial granted. Hon. Selah B. Strong, P. J., delivered the opinion of the Court, in which, after relating the

facts, he says: "That the apartments of Wood constituted his dwellirg within the requirements of the law. It has been decided that chambers in a college or inn of court, where each individual has a distinct property, are considered as separate mansions, though under the same tool. Neither the han door for the door of the room in which defendant was discovered was locked. If those doors were shut, he had simply unlatched them when he made his eutrance. There was no one in the spartment when he entered it. The wife of the tenant testified that she had latched the door about I minutes before she discovered the defendant; also that the front deer was latched; and that both doors were generally kept closed. The proof that the doors had been so recently shut fairly led to the inference that they were closed at the time of contrace, which is strengthened by the general custom. It is well settled that unlatching a door which is latched is a sufficient beaking to constitute hundred at common law." cient breaking to constitute burglary at common law.

After quoting various authorities, the Judge con

tinues:
"I think, however, the Court erred in instruction of horology in the second the Jury that it was a case of burglary in the second degree, or of petit larceny. Probably it was supposed to be included in that section which provides that every person who shall be convicted of breaking into any dwelling house in the day time under such first degree if committed in the night time, shall be deemed guilty of burglary in the second degree. To constitute burglary in the first degree there must be a forcibly bursting, or breaking the wall or an outer door, window, shutter of a window, or the lock or a forcibly barring, or creaking the wan or aboute door, wisdow, shutter of a window, or the lock of bot of such door or the fastening of such window of shutter, or breaking in any other manner, being armed with some dangerona weapon, or with the as-sistance and aid of one or more confederates, Acor by unlocking an outer door by means of false keys, or by picking the lock thereof. In this case then was neither. The forcibly bursting or break ing an outer door means, in common parlance, mor than simply lifting a latch. That the lst subdivision than simply lifting a latch. That the let subdivision of the 10th section of the act must have designed something further is apparent from the 3d subdivision, which provides that unlocking an onter door, by means of fase keys or picking the lock thoreof, shall be a sufficient breaking to constitute burgiary in the first degree. The provision would have been wholly threcessary if simply unlatching the door would have been deemed bursting or breaking it within the meaning of a former part of the same section. Clearly ing of a former part of the same section. Clearline is no other statutory definition of burglary in th there is no other statutory definition of burglary in the second degree which comprehends the crime perpe-trated by the defendant, as proved on his trial. For the error of the court in charging the Jury that this was a case of burglary in the second degree, or petit larcery, and which led to an improper conviction, such conviction must be set aside, and there must be

a rew trial in the Court of General Sessions. The second trial of the accused will take place at the present term of the Sessions.

PASSING COUNTERFEIT MONEY -Chas. Annson Wm. Jones and John Lafferty were arrested by Officer Velsor of the Fourth Precinct on Monday night for passing counterfeit \$3 notes on the Hudson County Back on several storekeepers in Myrtle avenue. They were held for examination by Justice Morehouse.

Supposen Inpanticipa.—The body of a child was found in a privy vault, at No. 31 Cramberry street, on Sunday. It had been deposited there by a servant glil in the family, who escaped. A post mortem was had yesterday, and an inquest will be held this morning by Coroter Redding.

Suppose of Rossert—tofficer Front of the First Product vesterday maning arrested a man who has

Precinct vesterday morning arrested a man who has been for some days prowling around the vicinity of the Globe Hotel, on Fulton street, as is supposed intending to rob. Some few days since, the store of Mr. W. T. Bennett, under the hotel, was solched. store of Mr. W. T. Bennett, under the hotel, was tobbed of some few dollars; and afterward Dr. Young was robbed of a coat, which was in his room at the botel. When atrested, vesterday, he had on his person a skeletonkey and a crew-driver. His movements attracted the suspicion of the officer, and led to his arrest. He refuses to give his name. He was held for examination.

BOARD OF HEALTH. - This body met vecterday at ternoon, but nooe of the members being present ex-cept Alderman Schols and Fithian, it was adjourned to Friday.

Straigs Court.-Judge Birdseys will hold a special term of the Seprema Court to-day and Thursday. The Circuit Court and Court of Oyer and Terminer will be opened on Monday. Count of Systians -Before Judge Morris and

Associates Errucus and Schoomaker. At the assembling of the Court yesterday morning, John Totten Albert Totten and Righard Totten were placed on trial for an assault and battery committed some time in June last on the person of John Friend at his house in Sheepshead Hay. The defendants came to the the on the Sunday, and a disturbance soon took place which resulted in the beating of Friend.
The case occupied all the day, when the jury readered a raction of "not guilty." NEW-JERSEY ITEMS.

THE COUNTERPER ON THE HEDIOS COUNTY Bass. -On Monday, the day this pew counterfeit anpeared, the Bank had ordered impressions from new plates, including 3's. No more of this denomination of the old plate will bereafter be issued. The ground work of the new plate is white and is covered with the word "three" in small capital letters, in red ink. The vignette represents a mechanic, a farmer, and a sailor, side by side in front, and a railroad train and steamer in the distance. On the left upper corner is a figure 3 in white, at the lower corner a figure 3 in red ink, and between the two the cost of arms of the State of New-Jersey. At the upper right corner of the bill is the werd "three," at the lower corner, the figure 3 and a steamship. The word "three" in large open letters in red is printed on the lower half of the bill, extending the length of the plate, between the figures 3.

ANOTHER HONICIDE -Yesterday morning, the body of a man named John Su livan, who came from Massachusette a week ago to work upon the tunnel, was found dead in St. Paul's avenue, near the shanties at No. 2 shaft. Coroner George De Mott held an inquest at the City of Hudson yesterday to investigate the cause of his death. It was ascertained that there was a row among those who reside in those shanties on Menday night, which continued at intervals from 9 until II o'clock. During that time, two or three shots were fired in that vicinity. Dr. Culver made a postmortem examination of the body of deceased. He found the evidence of a heavy blow upon the right side of the head, near the ear, which was sufficient to have caused death in an instant. The fifth rib on the right side was breken, and his lungs were affected by that blow. The body had been dragged some dis-tance, and left where it was found. No information could be derived which would lead to the detection of his murderer. The Jury rendered a verdict that the deceased came to his death by a blow administered by some person to them unknown.

FRIGHTFUL ACCIDENT ON THE CENTRAL RAILROAD FRIGHTFUL ACCIDENT ON THE CENTRAL RAILROAD

FOUR PERSONS KILLED.—A frightful accident took
place on the Central Railroad at Harris's Lane, near
New-Market, in this county, about 90 clock last evening. While a dirt-train was backing down the road,
a Mr. Ephraim Coriell, a farmer of some 65 years of
age residing in the vicinity, attempted to cross the
road in front of the cars with a team and wagon.
The cars caught the bird wheels of the wagon and
threw Mr. Coriell out, his head striking on the track,
ever which several cars passed, thus killing him in-

three Mr. Coriell out, his head striking on the track, ever which several cars passed, thus killing him instantly.

Several of the dirt cars, on which were a number of Irish laborers returning from their work, were thrown from the track by the obstruction. When the cars were thrown off a number of the laborers jumped off the train and four of them were run over by the cars. Two were instantly killed; another had both legs crushed off, and died this morning, and another had one leg smashed so that it will have to be amputated. Several others were injured by their jump. had one leg smashed so that it will have to be ampu-tated. Several others were injured by their jump, but not seriously. The wounded were taken to Plainbut not seriously. The wounded were taken to Plainfield, about three miles distant, and their injuries attended to as they were needed. Great excitement prevailed in Plainfield and New-Market last evening in consequence. [New-Brunswicker (N. J.), 8th.

The Fall Session of the State Normal and Mode Schools at Trenton, commenced on Monday. One bundred and seventy-five papils were admitted into the Normal School, and over three hundred to the

LAW INTELLIGENCE.

The United States Courts were opened for the term yesterdey, Judge Nelson presiding in the Circuit, and Judge Betts in the District Court. In the former two or three cases were argued upon appeal; in the latter nothing worth noting was done.

MRS. CUNNINGHAM TO BE BAILED. DECISION OF JUDGE PLABODY.

The decision of Judge Penbody of the Supreme Court, on the application of Mrs. Cunningham on a writ of habeas corpus, to be admitted to ball, was annonreed to be given at 1 o'clock yesterday, in Special Term. At that heur a small attendance of persons, attracted by morbid curiosity, appeared in the Chamber of the Supreme Court, Circuit, where the decision was to be rendered. Soon after Mrs. Cunningham entered in custody of the Clerk of the Warden of the City Prison, and was soon joined by her counsel, Messrs Wm. R. Stafford and Matthew Hale Smith. Mr. Jus tice Peabody and A. Oakey Hall, District-Attorney seen extered the room.

Judge Peabody then inquired if the parties were al present. Mr. Hall said that he believed they were. Judge Peabody then delivered the following decision

In the Binns A. Burdell, on Habers Corpus.

The prisoner is before me on a writ of nabens corpus, addressed to John Gray, Warden of the City Prison, asking to be admitted to bail. The return to the writ shows that she is definited in prison by virtue of a commitment by a Police Justice, on the charge of "having feloniously and fraudulently produced an infant, falsely pretending it to have been born of parents whose child would have been en-titled to a share of the personal estate, and to in-herit the real estate of Harvey Burdell, deceased. "herit the real estate of Harvey Burdell, deceased,
with the intent of intercepting the inheritance of
such real estate or the distribution of such personal
property, from the persons lawfully entitled thereto."
Annexed to said return is a statutory writ of certiorari, on which is written a discharge of the writ by

Judge Daly of the Court of Common Pleas. That writ is addressed to the Clerk of the Court of General Sessions, commanding him "to certify to Judge Daly "the day and cause of the imprisonment of Emma A. "Burdell, and the preliminary affidavits, &c., of William S. Davison, one of the Police Justices," &c. Annexed to this writ is the return of the Clerk to be been it is addressed in substance that he had no

Annexed to this writ is the return of the Clerk to whom it is addressed, in substance that he had no personal or official knowledge of the day and cause of imprisonment of the said Emma A. Burdell, but that he returns certain sufficiently against her on a charge of felopy, which have been certified to the Court of General Sessions by the magistrate taking the same. The sufficiently sufficiently are not annexed, and do not appear before me. There is also annexed to the writ of habeas corpus, as if a part of the return to it, an extract from the minutes of the Cierk of the Court of General Sessions, stating that a motion was made in that Court to admit the prisoner motion was made in that Court to admit the prisoner to bail on the 12th day of August, 1857, which was fenied.
These writs—the writ of certiorari and the return

These writz—the writ of certiorar; and the return, and discharge indorsed, and the extract from the minutes of the Court of Sessions—are annexed to and seem to form a part of the return of the Warden of the City Prison to the writ of habeas corpus on which the prisoner is brought before me.

The prisoner answers to the return by interposing a traverse, and claims that the is illegally detained, and, to show this, she sets forth a copy of the proofs before the magistrate; so that the case presented to him is harden.

before me.

A motion is made on behalf of the people that the habese corpus be discharged on the ground that the question of bail is res adjudicate:

First: That the magistrate before whom the examination was had refused to admit to bail.

sour was not refused to admit to dail.

Second: That the same question was decided adsely to the applicant by Judge Daiy on the writ of

Thord: That a motion has been made in the Court scions for the same purpose, which has also been

As to the proceedings before Judge Daly, there is nothing before me to show that the question of admit-ting to ball was ever passed upon, discussed, or raised there, even assuming all the papers before me as part of the return of the Warden of the Prison to b troperly here, proving their own genuineness and es-tablishing all the facts stated in them. The papers re-turned to Judge Daly on that writ do not appear be-fore me. tablishing all the facts stated in them. The papers returned to Judge Daly on that wit do not appear before me, nor is there contained in his discharge any intimation what was done before him. The more appropriate office of the writ of certiorari in such a case
is to revise the proceedings before the magistrate, and see whether any error in law was
committed by him, and particularly whether he had
properly jurisdiction of the matter. It is not agually
resorted to alone for the mere purpose of moving to
admit to bail, and I believe it is not even the appropulate writ for that purpose, except when issued with
and in aid of the writ of habeas corpus—which it was
not in that case. I cannot, therefore, infer from the
fact that a writ of certiorari was issued and afterward discharged by him—which is really all that I
have any evidence was done—that the question of
bail was raised and decided on that occasion; much
less can I assume that, either before him or the Court
of Sessions, the question of admitting to bail was presented and decided on the same slate of facts as are
presented before me.

Presented before me.

Estoppels are not favored in law, and the party seeking to avail himself of one must set forth all the facts material to establish it. On the part of the prisoner it was dealed most positively that either of those learned Judges did examine and past upon that question, and certainly the papers before me fail far soot of sotting forth the facts in a manner sufficiently fall and definite be authorize me to solvings test thay dis-

The extract from the mineries of the Court of Semenation and show on what papers or facts the motion was made, and I believe it is conceded practically that the person of the prisoner was not before either of those budges to give jurisdiction of her person.

The action of the committing Magistrate is not fined in its nature, and there is not before me any sufficient evidence that the question as presented here has been judicially determined by any Court or officer having jurisdiction to pass upon it.

These preliminary objections being disposed of, it remains for me to decide whether this is a proper case for ball, and if so, to fix the amount of bail proper to be taken. Is this a proper case for bail? Society has a right, when a crime has been committed, to pusses the author of it, and for that purpose, when facts are shown which indicate with a reasonable degree of probability that any certain person is guilty of it, it is the right of society to have such person property brought to trial, that his guilt or innocence may be accertained.

For the purpose of securing his presence for tried, For the purpose of securing his presence for triel, and if convicted subsequently for punishment, he may lawfully he restrained of his personal liberty and detained in custody, unless he elect to give such pledge as affords a reasonable security that he will appear at the time and place fixed for trial. Such reasonable security for the appearance is all that society has a right to in that respect. And when the crime charged, and other circumstances, are such that a beed will afford reasonable assurance that he will appear to stand trial, it is the right of the accused that the bend should be accepted in lieu of his personal detention for the time. This is the law of our land. It is consistent with reason and humanity. It answers all the necessities of society, and with the least amount of privation to the individual consistent with the paramount right of seciety. mount right of society.

The right to detain for trial by a restraint of par-

mount right of seciety.

The right to detain for trial by a restraint of personal liberty is limited to the necessities of society, and when other adequate security can be had, the nenecessity for personal detention does not arise, sad a recort to it is not warranted by law, but is illegal, an instead oppressive. What are the rights of society and what those of the individual in this case? Will a bend in a pecuniary penalty afford reasonable security that the accused will appear in compliance with it and submit herself to trial. The forfeiture of such a bend would merely give to the State the amount of the penalty in money, which would not afford compensation for a failure of justice; and in examining this question I am to look chiefly, if not entirely, to the probability of its answering the end of rendering her production sure. In determining whether such scenify would be adequate, the circumstances of the case must be considered. Prominent among them are the nature of the offense charged and the penalty to fellow upon conviction. And first, as to the nature of the offense charged and the penalty to fellow upon conviction. And first, as to the nature of the offense charged and the penalty to fellow upon conviction. And first, as to the nature of the offense charged and the penalty to fellow upon conviction. And first, as to the nature of the offense charged and the penalty to fellow upon conviction to detrain those who are legally entitled to property, with the intent to divert such property from the legal channels of descent, and thereby detraud those who are legally entitled to it—an attempt by one grand falsehood, sustained by numerous other untuths, to deprive persons of property to which they are legally entitled—this seems to suggest the moral grade of the offense which should determine the neasure of odium to be visited upon a conviction. Next, what is the legal penalty to which she is exposed? This is imprisonment in the State Prison for a term "not exceeding ten years." The medium between the greates usually the most prominent in the human mind in de-termining the amount of sacrifice to be made an hazards to be encountered for the sake of avoiding of termining the amount of sacrifice to be made and hazards to be encountered for the sake of avolding a tital. The prespect of any term in State Prison is usually esteemed by the accused of vastly more consequence than the extent of the duration of that term. The mind shrinks from contemplating at length what is to follow after entering that sepulcher the progress of time, the revolution of the seasons, the succession of events in that other world; and, for most purposes, limits its survey to the yawning portals, the approach to them, and the moment at which they are to be passed. The chances of conviction, then, are of the first importance in calculating the probability of one's appearance for trial in compliance with a bond. The facts in this case, as presented by the prosecution, are, that the accused, after feigaing pregnancy for sufficient time, was found in her chamber, in the night, in bed, having by her a child, which she said, when asked by some visitors, was the off-spring of herself and Dr. Burdell, She had previously claimed to be the wife of Dr. Burdell, whe was then deceased, having a considerable estate, which, if she were his wife and this were their child, twend be entitled to inherit. The intent on her part, from the evidence of the prosecution, seems pretty certainly to have been at some time to make a claim on behalf of this child to the estate of the deceased Dr. Burdell; and the first great question is as this a fraudulent production of a child, falsely claim on behalf of this child to the cestate of the de-censed Dr. Burdell; and the first great question is, was this a fraudulent production of a child, falsely pretending it to have been born of parents whose child would be entitled to inherit, with the intent thereby to intercept the inheritance. The question seems to divide itself into several:

1. Was it a fraudulent production of the child?

2. Did she falsely pretend that it was born of car-in parents?

ain parents?

3. Would a child of the parents of whom she pro; tended it was born be entitled to inherit?

4. Was it her intention by this fraudulent production to intercept the inheritance!

First: Was the production of this child, under the circumstances a fraud in law? Was any fraud in law? etrated ? Was an fraud attempted at th

of there was any fraud attempted at that the if there was any fraud perpetrated or attempted, against whom was it attempted? Who was by this production of the child defrauded or attempted to be defrauded? Was it Dr. De La Montagie, or Capt. defrauded! Was it Dr. De La Montagio, or Capa-Speights or Inspector Dilks, to whom she said, in answer to their inquiries, that it was her child! The child was there, and was carried thither, directly or indirectly, by her. But she had made no statement indirectly, by her. But she had made no statement or claim respecting it, except to answer certain ques-tions proposed to her, and if she had then proclaimed that it was the offspring of herself and Dr. Burdeil, I do not see that it would be material. She intended probably at some future time to perpetrate a fraud or to attempt one, and this child may have been provided for the purpose as a means or instrument to be used in its accomplishment. She intended at a fature time in its accomplishment. She intended at a tature time fraudulently to produce that child and to assert its rights, as the offspring of herself and Dr. Burdeil, to the property left by him. She had made no such claim, however, and it seems to me quite doubtful if the fraudulent production contemplated by the statute was there made at the time she was arrested in her was there made at the time she was arrested in her course; and without dwelling to show by what process of reasoning I arrive at the result further than is suggested above, my conclusion is that there is (at least) great doubt, even assuming the facts to be exactly as claimed by the prosecution and susceptible of us contradiction or medification, whether a fraudulent production such as the statute contemplates, and such as is declared to be a felony and punishable by imprisonment at hard labor for ten years, was there made and completed.

Second: Did she falsely pretend that it was born of certain parents—herself and Dr. Burdell? She certainly did if I understand the meaning of her language.

There: Would a child of the parents of whom she

tainly distif I understand the meaning of her language.

Third: Would a child of the parents of whom she pretended it was born—that is of herself and Dr. Bardell—be cutitled to inherit! There is no evidence are claim it would; on the contrary, the claim or pretense of the secured in that respect is substituted and relied on by the prosecution for the legal fact. She had previously claimed or pretended to be the wife of Dr. Burdell; ard if she had been so, this child would have been cutifiled to inherit. Her previous claim is that espect is the only evidence of the fact. This claim of here to be evidence at all must. I suppose, come espect is the only evidence of the local. I suppose, come in der the head of confession, and would be very slight evidence of such a fact. She probably thought that a child of herself and Dr. Burdell would be allowed to inherit. There is no evidence that it would, however, the suppose of the probability of the proba over and I think the case not without di

Fourth. Was it her intent, by this production, to into copt the uncertance? The fraudulent production the rate pactonse that it is born of parents whose child would be entitled to inherit, and the intent to infercept would be entitled to inherit, and the little the crime. the table pretense that it is born of parents whose calles would be entitled to inherit, and the intent to infeccept the inheritance, must unite to constitute the crime. We will assume that there was the fraudulent production and the taise pretense as to its birth. Wast intent was there by that production and false pretense, at that particular time and place, to intercept the inheritance? Was there the intent, by the then precess at accompanying it, which is requisite to constitute the crime? Was not all this scene in contemplation of and preparatory to acts intended to be performed at a feature time, which acts thus contemplated would probably (had they been realized) have constituted the effects which the statute designed to pusish? This statute has never received a judicial construction that I am aware of, and no analogies for its construction have been suggested. Of course I am left without those aids is my endeavors to find a proper construction; for it end in the brief and summerly marner in which this matter must be disposed of, I can only hope to arrive at a greeval accuracy in the result to which I shall come. To my mind, there is great difficulty in applying this statute to the facts precented in this case, and I come readmind, there is great difficulty in applying this sta-ute to the facts presented in this case, and I come read ily, therefore, to the conclusion that there is very ser one doubt about a conviction under it being praof consideration. Her position in life that social and family relations the incurrentle tes wales have many